

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JEHAN ABDUR-RAHEEM,

Plaintiff,

DECISION AND ORDER

07-CV-6247L

v.

S. J. WENDERLICH,

Defendant.

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This Court referred pretrial matters in this civil action to United States Magistrate Judge Jonathan W. Feldman, pursuant to 28 U.S.C. § 636(b). Plaintiff moved to file a second amended complaint. After considering the matter and accepting additional legal memoranda, Magistrate Judge Feldman denied plaintiff's request to file an amended complaint because such an amendment would be futile since it would not survive a motion to dismiss.

Plaintiff's counsel advised the Court that he did not intend to file objections to the Report and Recommendation and the time to file such objections having lapsed, the Court hereby accepts the Report and Recommendation (Dkt. #61) of United States Magistrate Judge Jonathan W. Feldman in all respects. I find no basis to alter or modify that Report and Recommendation.

Plaintiff's motion (Dkt. #53) to file a second amended complaint is denied.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
October 18, 2012.